

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

Crl.MC.No. 7335 of 2015

CC 2456/2014 of J.M.F.C., ADOOR

CRIME NO. 595/2014 OF PANDALAM POLICE STATION, PATHANAMTHITTA

PETITIONER/ACCUSED :-

**ANILKUMAR, AGED 38 YEARS,
RESIDING AT CHARUVILAMELTHIL,
KULAMPALATHEKKU MURI, KURAMPALA P.O.,
ADOOR, PATHANAMTHITTA.**

**BY ADVS.SRI.K.SHAJ
SRI.SAJJU.S
SRI.RENJIT GEORGE
SMT.ANJU MOHAN
SRI.S.VISHNU (ARIKKATTIL)
SRI.C.IJILAL**

RESPONDENT(S)/STATE AND CW1 :-

- 1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM - 31.**
- 2. RATHI, AGED 41 YEARS,
W/O.ANILKUMAR, CHARUVILA MELATHIL VEEDU,
KURAMPALA THEKKEKKARA, KURAMPALA MURI,
KURAMPALA VILLAGE, ADOOR - 689 645.**

**R2 BY ADV. SRI.SERGI JOSEPH THOMAS
R1 BY SMT.M.T.SHEEBA, PUBLIC PROSECUTOR**

**THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 20-11-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

rkj

Crl.MC.No. 7335 of 2015

APPENDIX

PETITIONER(S)' ANNEXURES :-

**ANNEXURE A1 : THE CERTIFIED COPY OF THE CHARGE SHEET AND FIR IN
C.C.NO.2456/2014 ON THE FILE OF JUDICIAL FIRST CLASS
MAGISTRATE COURT, ADOOR AND IN CRIME NO.595/2014
OF PANDALAM POLICE STATION.**

**ANNEXURE A2 : AN AFFIDAVIT SWORN BY THE SECOND RESPONDENT STATING
THE SETTLEMENT OF ALL THE DISPUTES.**

RESPONDENT(S)' ANNEXURES :- NIL

//TRUE COPY//

P.A. TO JUDGE

rkj

P.UBAID, J.

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Crl.M.C.No.7335 of 2015
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Dated this the 20th day of November, 2015

ORDER

The petitioner herein is the sole accused in C.C.No.2456 of 2014 of the Judicial First Class Magistrate Court, Adoor. He seeks orders quashing the prosecution on the ground of amicable settlement of the whole dispute between him and the de facto complainant. Crime in this case was registered under Section 498A IPC on the complaint of one Rathi, who is the 2nd respondent in this proceeding brought under Section 482 of the Code of Criminal Procedure. She has filed affidavit to the effect that she has settled the whole dispute with the accused, and she has no grievance or complaint now.

2. In so many decisions, the Hon'ble Supreme Court has held that even in cases involving non-compoundable offences, the High Court can quash the prosecution in pending

proceedings, if the parties have really settled the whole dispute amicably out of court, and continuance of further proceedings will not serve any purpose in such a circumstance of amicable settlement. Here, I find a real and genuine case of settlement between the parties. This is not a case involving any public interest or public issue. The parties have come to terms amicably on the intervention of persons acceptable to both sides, and I am satisfied that the parties are now on quite cordial terms. In such a situation, continuance of the prosecution will not serve any purpose other than wasting the precious time of the court. No doubt, nobody will support the prosecution in such a situation, if the case goes to trial.

3. The victim's affidavit shows that the whole matrimonial dispute stands resolved forever, and that she has joined her husband in matrimony. In such a situation, it is appropriate that the prosecution be quashed.

In the result, this petition is allowed. The prosecution against the petitioner herein in C.C.No.2456 of 2014 of the Judicial First Class Magistrate Court, Adoor will stand quashed under Section 482 of the Code of Criminal Procedure.

Accordingly, the petitioner will stand released from prosecution, and the bail bond, if any, executed by him will stand discharged.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE